

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK EDWARD STRICKLEN,

Plaintiff,

v.

C. NORDTROM,

Defendant.

Case No.: 1:23-cv-00537-CDB

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME WITHIN WHICH
TO RESPOND TO ORDER TO SHOW
CAUSE**

(Doc. 14)

Plaintiff Mark Edward Stricklen is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against Defendant C. Nordstrom.

I. RELEVANT PROCEDURAL BACKGROUND

On May 18, 2023, the Court found service of the complaint appropriate, via the Court's e-service pilot program, as to Defendant C. Nordstrom. (Doc. 9.)

On June 28, 2023, the California Department of Corrections and Rehabilitation ("CDCR") filed its Notice of E-Service Waiver, indicating personal service would not be waived on Colin Nordstrom's behalf. (Doc. 11.) Therefore, in accordance with the Court's service order issued May 18, 2023, personal service was to be effected by the United States Marshal.

On September 22, 2023, the United States Marshal filed its USM-285 form indicating that "McGinnis – Admin Assistant" at Management Solutions in Long Beach, California, accepted

1 service of the summons and complaint on behalf of Colin Nordstrom on September 6, 2023.
2 (Doc. 12.)

3 When more than 21 days passed following service, the Court issued its Order Requiring
4 Defendant Colin Nordstrom To Show Cause Within Thirty Days Why Default Should Not Be
5 Entered (“OSC”) on October 17, 2023. (Doc. 13.) Specifically, Defendant was to respond in
6 writing to the OSC within 21 days and the deadline for filing a responsive pleading was extended
7 for that same period. (*Id.* at 2.)

8 On November 6, 2023, Defendant Nordstrom filed an ex parte application for extension of
9 the deadline within which to respond to the OSC. (Doc. 14.)

10 **II. DISCUSSION**

11 Defendant seeks an extension of time through December 7, 2023, to respond to the OSC.
12 (Doc. 14 at 1.) Briefly stated, Defendant asserts his representation is in question among several
13 entities given his prior employment with an agency who contracted with the California
14 Correctional Health Care Services (“CHCS”) and the CDCR. (*Id.* at 2.) Defendant states he is no
15 longer employed with HealthPro Network, Inc. and has moved to Texas. (*Id.*) He contends he
16 “never authorized any intermediary, specifically including ‘McGinnis’ or HealthPro to accept
17 service on his behalf,” nor was he employed by HealthPro on the date of service of the summons
18 and complaint. (*Id.* at 2-3.) Defendant asserts he “is currently in the process of tendering his
19 defense to CDCR” and will be unable to “obtain a response prior to November 7, 2023.” (*Id.* at
20 3.) He maintains a 30-day extension of time will likely allow “for Arch or CDCR to appoint
21 counsel” on his behalf. (*Id.*)

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1 **III. CONCLUSION AND ORDER**

2 Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that Defendant's
3 request for an extension of time to respond to the OSC (Doc. 14) is **GRANTED**. Defendant shall
4 respond to the OSC no later than **December 7, 2023**.

5 IT IS SO ORDERED.

6 Dated: **November 7, 2023**

7 
UNITED STATES MAGISTRATE JUDGE